

REMARKS**1. Election With Traverse**

Applicant appreciates the Examiner's acknowledgment of Applicant's timely election with traverse of Group I claims 1-8 in the Office Action Response filed on May 19, 2008. Applicant acknowledges the Examiner's withdrawal from further consideration claims 9-30 per the May 29, 2008 Response.

2. Informalities

The Examiner has objected to claim 1 due to a variety of informalities that have now been corrected via amendment to the claim. Specifically, the term, "polynucleotide coding for" has been amended to read, "polynucleotide encoding" and the term, "a polypeptide consisting of the amino acid sequence of SEQ ID NO:7" has been amended to read, "the polypeptide consisting of the amino acid sequence of SEQ ID NO:7."

In view of the foregoing remarks, Applicant respectfully requests withdrawal of the Examiner's objection to claim 1.

3. Rejection of claims 1-8 under 35 U.S.C. 112, second paragraph

The Examiner has rejected claims 1-8 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Solely in the interest of advancing prosecution, reserving the right to traverse these rejections at a later time, claim 1 has hereby been amended and claims 2-9 canceled without prejudice or disclaimer of the subject matter thereof rendering this rejection moot.

In view of the foregoing remarks, Applicant respectfully requests withdrawal of the Examiner's rejection of claims 1-8 under 35 U.S.C. 112, second paragraph.

4. Rejection of claims 1-3 and 5-8 under 35 U.S.C. 112, first paragraph

The Examiner has rejected claims 1-3 and 5-8 under 35 U.S.C. 112, first paragraph alleging the specification does not enable a person skilled in the art to make and use the invention commensurate in scope with these claims.

In particular, the Examiner has rejected and objected to Claim 4 under 35 U.S.C. 112, Second Paragraph, but has stated that Claim 4 would be allowable if rewritten to overcome the Section 112 second paragraph rejections and contain all the limitations of the base and intervening claims. As such, and solely in the interest of advancing prosecution of this case, reserving the right to traverse the other rejections at a later time, Claim 4 and Claim 1 were combined and the current Claim 1 as herein amended incorporates the limitations of Claims 3 and 4, namely that the polynucleotide be RNA and that the polynucleotide comprises SEQ ID NO: 5. Amended claim 1 also contains all of the other changes recommended by the Examiner for advancing the allowance of this claim.

In view of the Examiner's recommendations having been applied to Claim 1, Applicant respectfully contends the Examiner remove the rejections and objections and places the claim in a condition for allowance.

5. Rejection of claims 1-3 and 5-8 under 35 U.S.C. 102(b) as anticipated by Schmetterer

The Examiner has rejected claims 1-3 and 5-8 under 35 U.S.C. 102(b) as anticipated by Schmetterer for the reasons of record. As stated above, the Examiner has stated that Claim 4 would be allowable if rewritten to overcome the Section 112 second paragraph rejections and contain all the limitations of the base and intervening claims. As such, and solely in the interest of advancing prosecution of this case, reserving the right to traverse the other rejections at a later time, Claim 4 and Claim 1 were combined and the current Claim 1 as herein amended incorporates the limitations of Claims 3 and 4, namely that the polynucleotide be RNA and that the polynucleotide comprises SEQ ID NO: 5. Amended claim 1 also contains all of the other changes recommended by the Examiner for advancing the allowance of this claim.

In view of the Examiner's recommendations having been applied to Claim 1, Applicant respectfully contends the Examiner remove the rejections and objections and places the claim in a condition for allowance.

CONCLUSION

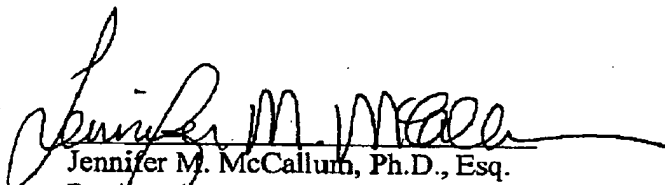
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and examination as to the merits of the application. Applicant respectfully contends that all claims are in a condition for allowance.

If the Examiner notes any further matters which would be expedited by a telephonic interview, he or she is requested to contact Dr. McCallum at the telephone number listed below.

Respectfully Submitted,

12-2-08

Date



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